

December 12, 2006

Ms. Marilyn Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dutch,

This notice is to record our ex parte communication with Commissioner MacDowell (via voice mail), Commissioner Tate (via email), Commissioner Adelstein (via fax) and Chairman Martin (via email) on December 12, 2006. Our comments are summarized as follows:

We join with the Alliance for Community Media members in calling for competition without destruction of local, community controlled media. The following are our concerns.

The proposed rule eliminates incentive for providers to negotiate in good faith. If the City and the provider do not come to agreement in 90 days, the new provider can proceed without agreement. They can then make billions of dollars in our public land without considering local needs. This framework would be unreasonable.

The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access (PEG) are tools to engage our local communities in democracy. Democratic participation should be for all, not based on a company business rule. The public right-of-way is owned by all in our community, not just those in an area lucky enough to be served. We believe that inevitable market imbalances must be anticipated by the FCC, as they were by Congress, and that any rule-making must provide the following three elements:

1. A standard for identifying imbalances in service.
2. A party responsible for identifying the imbalance - logically, the municipality.
3. A means for prevention or remedy of the imbalance.

The proposed rule reduces the support for PEG, institutional networks and other in-kind services from that allowed by current Federal law. We believe this is an arbitrary reduction which will hurt our communities. It is in direct

contradiction to language written by the telephone companies and already passed in key states. This reduction would eliminate a valued community resource with no demonstrated effect on either price or competition.

The changes being proposed are dramatic. We believe that such changes to the law should be made by Congress, not the FCC. These changes will slow competition by confusing the legal framework. Changes to the law should be decided by law-makers, not the FCC. The FCC should not usurp Congressional authority.

We look forward to working with the FCC to establish a process which supports both competition and community fairness. Please feel free to contact me if you have questions or comments. I can be reached at 360-330-7674 or jdfouts@cityofcentralia.com.

Yours truly,

J.D. Fouts
City Manager
City of Centralia (Washington State)